

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 215 be amended to read as follows:

1           Page 2, delete lines 27 through 42, begin a new line block indented  
2           and insert:  
3           **"(3) the proceeds of the sale or money shall be distributed as**  
4           **follows:**  
5               **(A) Fifteen percent (15%) of the proceeds shall be**  
6               **transferred to the treasurer of state for deposit in the**  
7               **common school fund.**  
8               **(B) Eighty-five percent (85%) of the proceeds shall be**  
9               **distributed as follows:**  
10              **(i) If every law enforcement agency participating in the**  
11              **seizure is from one (1) county, the proceeds shall be**  
12              **transferred to the county auditor for deposit in a county**  
13              **asset forfeiture account established by ordinance. Funds**  
14              **in the county asset forfeiture account shall be disbursed**  
15              **in accordance with subsection (e).**  
16              **(ii) If the state police department or a law enforcement**  
17              **agency outside the county participated in the seizure, the**  
18              **court shall order the proceeds distributed to the**  
19              **appropriate county asset forfeiture fund (in the case of**  
20              **another county) or the state police asset forfeiture**  
21              **account (in the case of the state police department) in**  
22              **accordance with the agreement or memorandum of**  
23              **understanding between the participating law**  
24              **enforcement agencies. If the disposition of all or any part**  
25              **of the proceeds is not addressed in the agreement or**  
26              **memorandum of understanding, the court shall**  
27              **determine the distribution of funds. Funds deposited in**  
28              **the county asset forfeiture account of another county**  
29              **shall be distributed in that county in accordance with**  
30              **subsection (e)."**

- 1 Page 3, delete line 1, begin a new paragraph, and insert:
- 2 **"(e) Funds in the county asset forfeiture account may be**
- 3 **disbursed only by action of the county legislative body:**
- 4 **(1) under a claim submitted by a law enforcement agency or**
- 5 **prosecuting attorney; and**
- 6 **(2) in accordance with the terms of an interlocal agreement or**
- 7 **memorandum of understanding between local law**
- 8 **enforcement agencies, or between a local law enforcement**
- 9 **agency and the prosecuting attorney, if applicable."**
- 10 Page 3, line 2, strike "(e)" and insert "(f)".
- 11 Page 3, line 13, strike "(f)" and insert "(g)".
- 12 Page 3, delete lines 19 through 35.
- 13 Page 3, line 36, delete "(i)" and insert "(h)".
- 14 Page 3, line 39, delete "under a" and insert **"in accordance with**
- 15 **this section."**
- 16 Page 3, delete line 40.
- 17 Page 3, line 41, delete "(j)" and insert "(i)".
- 18 Page 3, line 42, delete "state police" and insert **"Indiana criminal**
- 19 **justice institute"**.
- 20 Page 4, line 1, delete "department".
- 21 Page 4, delete lines 30 through 39, begin a new paragraph, and
- 22 insert:
- 23 **"(c) Except as provided in subsection (d), a compensation**
- 24 **agreement between a prosecuting attorney and an attorney**
- 25 **retained to bring an action under this chapter may be established**
- 26 **under a contingency fee agreement limited as follows:**
- 27 **(1) The contingency fee may not exceed thirty-three and**
- 28 **one-third percent (33 1/3%) of the first ten thousand dollars**
- 29 **(\$10,000) of proceeds or money obtained under a settlement**
- 30 **or judgment.**
- 31 **(2) The contingency fee may not exceed twenty-five percent**
- 32 **(25%) of the part of the proceeds or money obtained pursuant**
- 33 **to a settlement or judgment that is more than ten thousand**
- 34 **dollars (\$10,000) and less than one hundred thousand dollars**
- 35 **(\$100,000).**
- 36 **(3) The contingency fee may not exceed twenty percent (20%)**
- 37 **of the part of the proceeds or money obtained under a**
- 38 **settlement or judgment that is at least one hundred thousand**
- 39 **dollars (\$100,000)."**
- 40 Page 5, line 4, reset in roman "is not required to".
- 41 Page 5, line 4, delete "may".
- 42 Page 5, line 5, delete "not".
- 43 Page 5, line 5, delete "prosecuting attorney or a".
- 44 Page 5, line 6, after "Indiana." insert **"A deputy prosecuting**
- 45 **attorney who engages in a forfeiture action for the prosecuting**
- 46 **attorney's office may not receive a contingency fee."**

(Reference is to SB 215 as printed February 18, 2011.)

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Senator BRAY